

U07-005

5855 Riverside Drive

St. Andrews Presbyterian Church



SITE PLAN ANALYSIS

The site plan submitted depicts a two-story, 25,000 square foot church building at the center of the subject property. The applicant is proposing to use a 10,000 square foot portion of the existing building for a foreign language school for children and adults with a preschool/kindergarten component. The plan includes one (1) driveway at the west side of the property from Riverside Drive.

PARKING AND TRAFFIC IMPACT ANALYSIS

The applicant indicates the site to be accessed by the existing curb cut along Riverside Drive. Section 18.2.1, *Basic Off-Street Parking Requirements*, requires 10 parking spaces per classroom for the special school (6 classrooms) and 3.5 parking spaces per fixed seat for church uses (190 seats). At a minimum the site is required to have a total of 115 parking spaces to accommodate the proposed development. The applicant is proposing the site to be served by a total of 132 parking spaces.

LANDSCAPE PLAN ANALYSIS

The applicant has provided the following required landscape strips and buffers on the site plan:

- Ten (10) foot landscape strip along the north property line abutting I-285
- Twenty (20) foot landscape strip along the west property line abutting Riverside Drive
- Twenty-five (25) foot buffer and ten (10) foot improvement setback along the south property line adjacent to residentially zoned property
- Fifty (50) foot buffer and ten (10) foot improvement setback along the east property line adjacent to residentially zoned property

ENVIRONMENTAL SITE ANALYSIS

The Environmental Site Analysis Report is sufficient and satisfies the requirements of the Sandy Springs Zoning Ordinance. The site does not contain any known wetlands, streams, steep slopes, sensitive plants and/or protected animal species, or archaeological/historical sites. The site is not located within any floodplains.

DEPARTMENT COMMENTS

The staff held a Focus Meeting on May 2, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	<ul style="list-style-type: none"> There are no development requirements that need to be addressed at this time.
	Sandy Springs Building Plan Reviewer	<ul style="list-style-type: none"> The church classroom building is a commercial structure formerly accessory to the church and classified an Assembly Occupancy. The change of occupancy requires the building meet all code requirements for the new occupancy classification of E or B and occupant load, in accordance with the 2006 International Codes with 2007 Georgia State Amendments and the 2005 NEC with 2006 Georgia State Amendments. A change of Occupancy requires the existing buildings comply with all current codes at the time of change of occupancy. There must be a code analysis by a design professional verifying that the building(s) will meet the distance from property line separation requirements for exiting, allowable openings and wall ratings. Compliance with allowable area for the type of construction and occupancy must be verified by the design professional. Design documents for the church must meet the minimum requirements noted in the Sandy Springs Commercial Building Permit Checklist. Accessibility is also required to be provided in compliance with the Georgia Accessibility Code 120-3-20
	Sandy Springs Landscape Architect/Arborist	<ul style="list-style-type: none"> There are no landscape requirements that need to be addressed at this time.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	<ul style="list-style-type: none"> If the church classrooms were used as a Sunday school, then there is a change of occupancy is mandated as the proposed use in no longer religious educational (305.3.1) accessory to the church, rather it is either an E (educational, if the students are in grades 1-12) or B (business, if the students are above 12th grade) occupancy. This could require the addition of sprinklers and upgrades to the means of egress, fire alarm, as well as certain accessibility upgrades.
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	<ul style="list-style-type: none"> Right-of-way dedication: 30' from centerline of Riverside Drive
	Georgia Department of Transportation	<ul style="list-style-type: none"> There are no GDOT requirements that need to be addressed at this time.

The staff has not received any additional comments from the Fulton County Board of Education. The staff has received additional comments from the Fulton County Emergency Services Department.

PUBLIC INVOLVEMENTRequired Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held April 24, 2007 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held May 31, 2007 at the Sandy Springs City Hall

Public Comments

Residents of the surrounding neighborhood were not in opposition to the use, but raised the following concerns with regard to the property:

- Possibility of portable classrooms
- Loitering in parking lot

Notice Requirements

The petition was advertised in the Daily Report on June 14, 2007 and June 28, 2007. The applicant posted a sign issued by the Department of Community Development along the frontage of Riverside Drive on May 4, 2007.

Public Participation Plan and Report

The applicant has met the Public Participation Plan requirements. The applicant will be required to submit the Public Participation Report seven (7) days prior to the Mayor and City Council Hearing on July 17, 2007, 2007. The Public Participation Report must be submitted on or before July 10, 2007.

USE PERMIT CONSIDERATIONS

The applicant is requesting a use permit to allow for the development of a 12,077 square foot special elementary school with a daycare (Section 19.4.40, *School, Private or Special*).

Per Article 19.2.4, *Use Permit Considerations*, the City Council shall consider each of the following:

A. *Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by the City Council;*

Finding: The applicant is proposing to use a 10,000 square foot portion of the existing building for a foreign language school for children and adults with a preschool/kindergarten component. The staff is of the opinion that the proposal is consistent with the Future Land Use Map, which designates the property as Community Facility (CF). The CF land use designation recommends uses such as government, public safety, recreation, park, hospital, healthcare, library, and cultural facilities. Both the church and school use would be classified under the community facility designation.

B. *Compatibility with land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed;*

Finding: The staff is of the opinion that the proposed church and school uses are suitable in view of the existing character of the surrounding neighborhood and the proximity of the subject property to I-285. Therefore, based on these reasons the staff recommends **APPROVAL** **CONDITIONAL** of the use permit request.

C. *Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development;*

Finding: The staff is of the opinion that the proposed use would not violate any local, state, and/or

D. The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets;

Finding: The staff anticipates that the proposal will have some impact on the surrounding transportation system, which is already strained by current traffic patterns at the Riverside Drive/I-285 interchange.

E. The location and number of off-street parking spaces;

Finding: The applicant is required to provide 115 parking spaces and has provided 132 parking spaces to serve the site in a surface parking lot at the front of the site.

F. The amount and location of open space;

Finding: The applicant has provided the following required landscape strips and buffers on the site plan:

- Ten (10) foot landscape strip along the north property line abutting I-285
- Twenty (20) foot landscape strip along the west property line abutting Riverside Drive
- Twenty-five (25) foot buffer and ten (10) foot improvement setback along the south property line adjacent to residentially zoned property
- Fifty (50) foot buffer and ten (10) foot improvement setback along the east property line adjacent to residentially zoned property

G. Protective screening;

Finding: The applicant has provided all landscaping and buffers as required by the Zoning Ordinance, including a twenty-five (25) buffer along the south property line and a fifty (50) foot buffer along the east property line adjacent to residentially zoned property.

H. Hours and manner of operation;

Finding: The applicant has indicated hours of operation for the preschool/kindergarten component as 9:00 a.m. to 1:00 p.m. and 1:30 p.m. to 5:00 p.m. for the foreign language school.

I. Outdoor lighting; and

Finding: The applicant has indicated that the existing outdoor lighting on the site will be maintained.

J. Ingress and egress to the property.

Finding: The applicant proposes to maintain the existing curb cut for the site along Riverside Drive.

CONCLUSION TO FINDINGS

It is the opinion of the staff that the proposed foreign language school use is suitable in view of the existing character of the surrounding neighborhood and the subject property's proximity to I-285. Additionally, the proposal meets the recommended designation as set forth by the Future Land Use Map. Therefore, based on these reasons, the staff recommends **APPROVAL CONDITIONAL** of the use permit petition for a foreign language school with a preschool/kindergarten component.

STAFF RECOMMENDED CONDITIONS

The staff recommends **APPROVAL CONDITIONAL** of the use permit to allow for 10,000 square feet of the existing 25,000 square foot church building to be used for a foreign language school with a preschool/kindergarten component. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. A foreign language school with a preschool/kindergarten component at a maximum density of 985.92 square feet per acre or 10,000 square feet, whichever is less.
 - b. To a maximum of 60 students.
 - c. The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated April 3, 2007. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
 - b. The owner/developer shall submit an approved state operating license to the Department of Community Development prior to the issuance of a Certificate of Occupancy for the preschool use.
3. To the owner's agreement to provide the following site development standards:
 - a. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Riverside Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - b. The light source of all external lighting in the development shall be screened and shall not be directly visible from adjoining residential properties.

Attachments

Letter of Intent dated received April 3, 2007

Applicant Use Permit Considerations dated received April 3, 2007

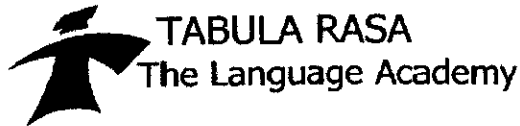
Site Plan dated received April 3, 2007

Comment Letter from the Fulton County Emergency Services Department dated received April 23, 2007

Comment Letter from the Fulton County Department of Environment and Community Development dated received April 25, 2007

Comment Letter from the Georgia Department of Transportation dated received May 14, 2007

Comment Letter from Sandy Springs Citizen



Honorable Mayor and City Council
City of Sandy Springs

Department of Community Development
7840 Roswell Road, Building 500
Sandy Springs, Georgia 30350

RECEIVED

City of Sandy Springs
Letter of Intent Community Development

This letter expresses our intent to receive an User Permit to be able to use the existing classroom space of St. Andrews Presbyterian Church to develop a Preschool Program.

Tabula Rasa The Language Academy will rent classroom space from St. Andrews Presbyterian Church in order to start a foreign language program for children.

The area of the church with classrooms is around 10,000 sf - seven classrooms and two offices as well as storage space, all in the same building. All those rooms are already being used for Sunday school. There has been a day care in the building before using the same classes we are planning to use, they left around five years ago (grew out of space). All rooms have restrooms inside, they are all child proof.

We will start with 60 children daily, with a staff of around 10 teachers. It is a preschool/school/foreign language type program; the hours are 9am-1pm in the morning for preschool/kindergarten children and some afternoon classes (1.30-4.30 or 3.30-5pm) for older children.

The program will start August 13th, 2007 (with teachers starting working August 1st). We are taking registrations now.

There are already two playgrounds in the Church. We have had people from the Department of Education come to see the space and we already have the permit from them to use the space for the children's program.

We are not requesting any variance or change in the existing structure.

5855 Riverside Dr
Sandy Springs GA 30327
St. Andrews Presbyterian Church

RECEIVED

APR 10 2011

User Permit Consideration

City of Sandy Springs
Community Development

1. Conformance with the Comprehensive Plan

St. Andrews Presbyterian Church is currently zoned R-1. It sits in around 10 acres of land.

The future land use is Community Use, which includes churches, schools and other similar institutions.

St. Andrews Presbyterian Church will be leasing its existing space on August 2007 (currently used for Sunday school) to Tabula Rasa The Language Academy for a Preschool Program.

This user permit calls for no changes or additions to the existing Church building. Tabula Rasa The Language Academy will be using during the week the existing classrooms that are currently used for Sunday School.

2. Compatibility with land uses and zoning districts

St. Andrews Presbyterian Church is already using the existing space for the Sunday school.

The future plan use is Community Use, which includes churches and/or schools.

3. State and/or Federal statutes or ordinances

To our best knowledge, there is no violation of the local, state and/or federal statutes ordinances or regulations governing land development.

4. The effect of proposed use on traffic flow

The User Permit proposal does not imply any excessive or burdensome use of existing streets, transportation facilities or utilities. All above are already in place and are underused with the current use. The existing parking lot makes it possible for the parents to park simultaneously without interruption or creating problems for the traffic flow in the surrounding roads (Riverside Dr). Furthermore there are plans for a future carpool.

5. Parking

The off-street parking spaces are located in the front of the building. There are 126 parking spaces and 6 handicap parking spaces. The parking is located more than 50 feet far from the residential properties surrounding the Church.

6. Playground

There are three existing playground on the Church's property: two of them in very good conditions. Those two playgrounds will be used from the preschool. There is no need for new playground space. All those playgrounds are more than 100 feet far from the residential properties surrounding the Church.

7. Protective screening

The existing Church building, the existing parking lot and the existing playgrounds respect the buffers required by law. All land improvement meets the 50' buffer and 10' set back from the residential properties surrounding the Church.

8. Hours and Manner of Operation

Tabula Rasa The Language Academy plans to operate a Mothers Morning Out/Preschool Program in the morning hours (9am-1pm), with morning carpool starting at 8:45am and afternoon carpool starting at 12:45pm. Foreign Language classes will be offered in the afternoons, between the hours of 1.30pm to 5pm. No carpool will be needed for the afternoon classes due to the small amount of students attending those classes.

The Academy will be using seven classrooms, with a maximum capacity of 80 students attending the morning program, and around 20 students attending one of the afternoon classes offered.

8. Outdoor Lightning

St. Andrews Presbyterian Church and Tabula Rasa The Language Academy will maintain the existing outdoor lightning of the church.

9. Ingress and egress to the property

The ingress and egress to the property is on Riverside Dr, in two lane driveway. Student drop-off and vehicular turn-around space will be provided through the carpool, so the vehicles may re-enter Riverside Dr in a forward manner. The daily capacity of the traffic will be between 50 to 80 cars. The parking lot includes 132 parking spaces from which 6 handicap parking spaces.

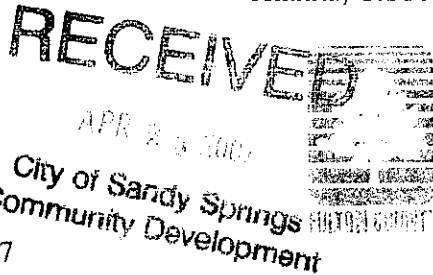
Emergency Services Department

130 Peachtree St., S.W.

Suite 3147

Atlanta, GA 30303

Alfred R. Moore
Director



April 19, 2007

Emergency Communications/911

Telephone: 404/730-7900

FAX: 404/730-7909

Atlanta-Fulton County

Emergency Management Agency

Telephone: 404/730/5600

Mr. Michael D. Zehner, Assistant Director
Planning and Zoning
City of Sandy Springs
Department of Community Development
Planning and Zoning Division
7840 Roswell Road, Building 500
Sandy Springs, Georgia 30350

Re: Memorandum dated April 17, 2007
Preliminary Zoning Agenda

Dear Mr. Zehner:

A review conducted by the Emergency Services Department staff revealed the following:

1. If zoning petitions are approved, there will be an increase in E9-1-1 call volume. The increase may negatively affect the department's call answering speed and service level.
2. Increased traffic volume without road improvements may increase response time of emergency response vehicles thereby reducing effective delivery of emergency services.
3. Addressing of all proposed properties identified within the petitions should comply with the City of Sandy Springs' addressing standards or Fulton County's Addressing Standards to reduce the likelihood of delay in response time.

If I can assist you further in this matter, please contact me at 404-730-7900.

Sincerely,

A handwritten signature in black ink, which appears to be 'Alfred R. Moore', is written over the word 'Sincerely,'.

Alfred R. Moore
Director



Department of the Environment and Community Development
141 Pryor Street, SW
Suite 2085
Atlanta, GA 30303

RECEIVED
APR 25 2007
City of Sandy Springs
Community Development

April 24, 2007

Mr. Michael D. Zehner
Assistant Director, Planning and Zoning
City of Sandy Springs
Department of Community Development
Planning and Zoning Division
7840 Roswell Road, Building 500
Sandy Springs, Georgia 30350

Dear Mr. Zehner;

I am in receipt of your recent zoning package soliciting comments on the upcoming City of Sandy Springs zoning agenda for the June Planning Commission, July Mayor and City Council Meetings. I have reviewed all items within the package and find none of them to have a significant impact on Unincorporated Fulton County. Thank you for the opportunity to review the requests.

If you would please update your distribution list to reflect Angela Parker as Acting Director of Environment and community Development as well as Director of Public Works and place my name on the list in lieu of Terry Todd it will assure your request for comments gets to the appropriate individuals in a timely manner.

Sincerely,

Randy Beck,
Acting Deputy Director, E&CD



RECEIVED

MAY 11 2007

City of Sandy Springs
Community Development

BUDDY GRATTON
DEPUTY COMMISSIONER
(404) 656-5212

EARL L. MAHFUZ
TREASURER
(404) 656-5224

HAROLD E. LINNENKOHL
COMMISSIONER
(404) 656-5206

DAVID E. STUDSTILL, JR., P.E.
CHIEF ENGINEER
(404) 656-5277

Department of Transportation

State of Georgia
#2 Capitol Square, S.W.
Atlanta, Georgia 30334-1002

May 7, 2007

Mr. Michael D. Zehner
Assistant Director of Zoning and Ordinance
City of Sandy Springs
Department of Community Development
Planning and Zoning Division
7840 Roswell Road, Building 500
Sandy Springs, Georgia 30350

RE: June 21, 2007 Zoning Review Board Meeting

Dear Mr. Zehner

The Office of Urban Design, Georgia Department of Transportation (GDOT) has reviewed the preliminary zoning agenda received by us on April 20 2007. The information in this letter is provided as a tool to assist the City in the zoning review process. The information below is not intended to express approval, rejection, or any other opinion of the applicant's request.

We offer the following comments on the cases to be heard at this meeting.

There are no GDOT projects at locations for the following petitions:

RZ06-045
RZ07-013
RZ07-014
U07-04/CV07-013

We appreciate the opportunity to review the agenda.

Sincerely,


James B. Buchan, P.E.
State Urban Design Engineer

JBB:TSM *AVS*

640 Fair Oaks Manor, NW

5/21/07

Community / Developer Meeting:

We are out of town for the date of this meeting.

It is interesting that the Church of St. Andrew's now seeks to host a school ^{when school is not-profit, Church-Sponsored} **RECEIVED** a community, much needed child care center was closed because the church no longer wanted to host it.

City of Sandy Springs
Community Development

I do not object to a language academy ^{operating} a "for profit" language ^{school} in the existing ^{church} facility. However, I do object to any portable units (i.e., "trailers") being placed on the church grounds.

Also, I understand that expansion at the church facility will generate a greater number of cars using Riverside Drive at the height of the rush hour. We, on Fair Oaks Manor, currently have a problem with cars using I-285 headed north on Riverside. These drivers turn south on Riverside and use Fair Oaks Manor wantonly to turn around and head north. These cars, also, wantonly use our lawns as part of their U-turning radius and cause rutting and tire track damage to lawns. I believe that the Church or the School is considering a gate on their driveway, and this will add to our problem on Riverside and Fair Oaks Manor - as well as Foxridge.

I called the Rev. Troy Bronsink and asked him to call me. Thus far, I have had no response. I point out that his use of the "it is," referring to the School's use



PRE-APPLICATION REVIEW FOR REZONING, USE PERMIT(S) AND
CONCURRENT VARIANCE(S)

Check all that apply: Rezoning ☒ Use Permit(s) ☐ Concurrent Variance(s) ☐

Property Address: 15955 RIVERSIDE DRIVE Tax PIN(s): 17 01334-085

Existing Zoning: R-1 Proposed Zoning: 0-1
Existing Petition(s): _____ Proposed Use Permit(s): _____
Existing Use: CHURCH

Land Lot(s): 133 Comprehensive Plan Land Use Map: _____
District: 17 Overlay District: _____
Total Acreage: 0.5 Council District: _____

Frontage: RIVERSIDE Side: EAST
Frontage: _____ Side: _____
Frontage: _____ Side: _____

Distance: _____
Distance: _____
Distance: _____
RECEIVED

Applicant: _____ Phone: APR 03 2007
Email: _____
Fax: City of Sandy Springs
Community Development

Owner: ST. ANDREW'S PRESBYTERIAN CHURCH
Phone: _____
Email: _____
Fax: _____

Representative: BESSA TARAZHI Phone: 409 0827
Email: BESA@TRILANGUAGES
Fax: _____

Applicant's Intent: TO MAINTAIN CHURCH & USE EXISTING
M-F CLASSROOMS FOR LANGUAGE CLASSES
9A-1P (PRIVATE)

CONCURRENT VARIANCE(S):

Article/Section: _____ Request: _____

Article/Section: _____ Request: _____

Article/Section: _____ Request: _____

Article/Section: _____ Request: _____

Article/Section: _____ Request: _____

Sign Posting	<input checked="" type="checkbox"/>	Sewer/Septic	N/A	DRI Review	N/A
Public Participation	<input checked="" type="checkbox"/>	Cemetery	<input checked="" type="checkbox"/>	Traffic Study	<input checked="" type="checkbox"/>
Stream Protection	N/A	Environmental Impact Report	<input checked="" type="checkbox"/>	Noise Study	<input checked="" type="checkbox"/>

NON-RESIDENTIAL: Building Height: _____ Gross Square Footage: _____ Density: _____	RESIDENTIAL: No. of Units: _____ Density: _____ Minimum Heated Floor Area: _____ Minimum Lot Area: _____
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DEVELOPMENT STANDARDS FOR CUP, NUP, & MIX DISTRICTS

Minimum Front Yard		Minimum Lot Frontage	
Minimum Rear Yard		Minimum Lot Width	
Minimum Side Yard (Interior)		Minimum Building Separation	
Minimum Rear Yard (Adj. to Street)			

ATTENDANCE IS REQUIRED AT THE FOLLOWING MEETINGS:

Design Review Board ☐
 Community Zoning Information Meeting ☒
 Community/Developer Resolution Meeting ☒

Planning Commission ☒
 Mayor and City Council ☒

Applicant's Signature: To the best of my knowledge, this Pre-application review is correct and complete. If additional variances are determined to be necessary, I understand that I am responsible for filing an appeal as specified by Article XXII of the Sandy Springs Zoning Ordinance.

Applicant: Brenda Towler Date: 3-26-07Planner: P. Ruffin Date: 03/26/07



To: John McDonough, City Manager

From: Michael D. Zehner, Assistant Director of Planning and Zoning

Date: July 5, 2007 For Submission onto the onto the July 17, 2007 City Council meeting

Agenda Item: U07-005 5855 Riverside Drive, Request use permit to allow for 10,000 square feet of the existing 25,000 square foot church building to be used for a foreign language school with a preschool/kindergarten component

CMO (City Manager's Office) Recommendation:

APPROVAL CONDITIONAL of the request for a use permit to allow for 10,000 square feet of the existing 25,000 square foot church building to be used for a foreign language school with a preschool/kindergarten component (Section 19.4.40, *School, Private or Special*). The proposed school will serve a maximum of 60 students in 6 existing classrooms.

Background:

The site is located on the east side of Riverside Drive, at the south intersection with I-285. The subject property is zoned R-1 (Single Family Dwelling District) and is currently developed with a 25,000 square foot church.

Discussion:

The site plan submitted depicts a two-story, 25,000 square foot church building at the center of the subject property. The applicant is proposing to use a 10,000 square foot portion of the existing building for a foreign language school for children and adults with a preschool/kindergarten component. The plan includes one (1) driveway at the west side of the property from Riverside Drive.

Concurrent Review:

The staff held a Focus Meeting on May 2, 2007 at which the following city departments provided comments:

- | | |
|------------------------|---------------------------|
| ▪ Building Division | ▪ Fire Department |
| ▪ Development Division | ▪ Transportation Division |

In addition, the following external departments were contacted for comment:

- | | |
|---|--|
| ▪ Atlanta Regional Commission | ▪ Georgia Department of Transportation
(<i>comments received</i>) |
| ▪ Fulton County Board of Education | ▪ City of Atlanta Department of Watershed
Management |
| ▪ Fulton County Department of Environment
and Community Development (<i>comments
received</i>) | ▪ U.S. Postal Service Address Management
Systems |
| ▪ Fulton County Department of Public Works | ▪ MARTA |
| ▪ Fulton County Environmental Health
Services | ▪ Fulton County Emergency Management
(<i>comments received</i>) |
| ▪ Sandy Springs Council of Neighborhoods | |
| ▪ Sandy Springs Revitalization Inc. | |



Rezoning Petition No. U07-005

HEARING & MEETING DATES

Community Zoning Information Meeting April 24, 2007	Community Developer Resolution Meeting May 31, 2007	Planning Commission Hearing June 21, 2007	Mayor and City Council Hearing July 17, 2007
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APPLICANT/PETITIONER INFORMATION

Property Owners St. Andrews Presbyterian Church	Petitioner Tabula Rasa Academy	Representative Besa Tarazhi
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PROPERTY INFORMATION

Address, Land Lot, and District	5855 Riverside Drive Land Lot 133, District 17
Council District	5
Frontage and Area	405.29 feet of frontage along the east side of Riverside Drive. The subject property has a total area of 10.1428 acres.

Existing Zoning and Use	R-1 (Single Family Dwelling District), currently developed with a church.
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Interim 2025 Comprehensive Future Land Use Map Designation	Community Facility (CF)
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Proposed Use	Church with a Special School
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INTENT

USE PERMIT TO ALLOW A PORTION OF THE EXISTING CHURCH BUILDING TO BE USED AS A FOREIGN LANGUAGE SCHOOL WITH A PRESCHOOL/KINDERGARTEN COMPONENT (SECTION 19.4.40, SCHOOL, PRIVATE OR SPECIAL)

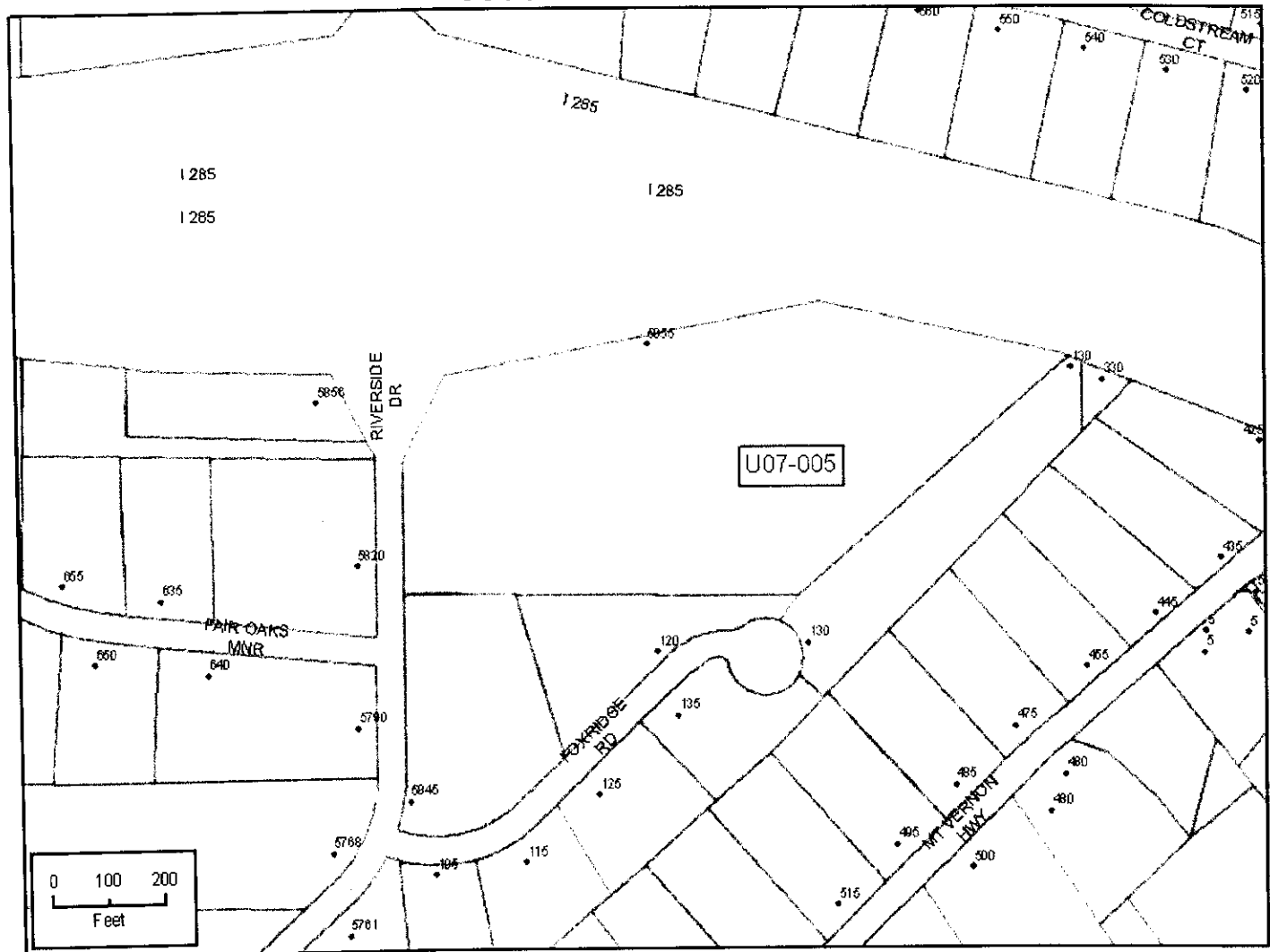
The applicant is requesting a use permit to allow for 10,000 square feet of the existing 25,000 square foot church building to be used for a foreign language school with a preschool/kindergarten component (Section 19.4.40, *School, Private or Special*). The proposed school will serve a maximum of 60 students in 6 existing classrooms.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION U07-005 - APPROVAL CONDITIONAL

PLANNING COMMISSION RECOMMENDATION

The petition was heard at the June 21, 2007 Planning Commission hearing. The Commission recommended approval of the petition subject to staff conditions amended as follows: 1.c.) Hours of operation shall be limited to 8 a.m. to 5 p.m. (6-0, Rupnow, Wiley, Duncan, Maziar, Rubenstein, and Thatcher for; Boyken absent excused).

Location Map 5855 Riverside Drive



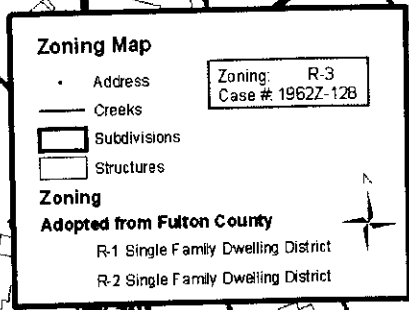
BACKGROUND

The site is located on the east side of Riverside Drive, at the south intersection with I-285. The subject property is zoned R-1 (Single Family Dwelling District) and is currently developed with a 25,000 square foot church.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

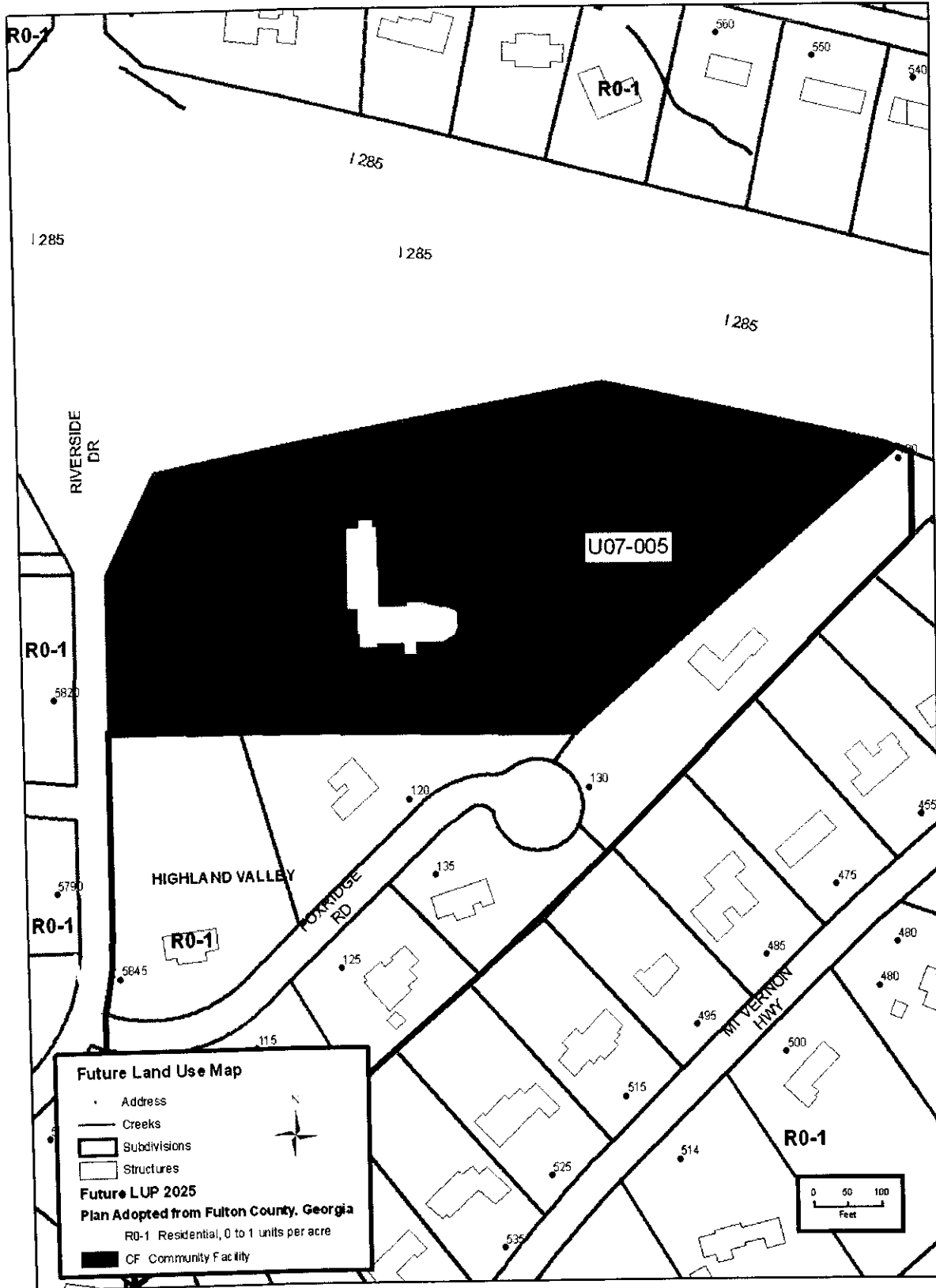
SUBJECT PETITION U07-005	Proposed Use		Land Area (Acres)	Square Footage	Density (Square Feet per Acre)
	Church Special School		10.1428	15,000 10,000	1,478.88 985.92
Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Feet or Units Per Acre)
North	I-285				
South and East	R-2 conditional, Z72-0096	Foxridge subdivision	8.20	6	0.73
Minimum Lot Size: 1 acre Minimum Heated Floor Area: 1,800 square feet					
West	R-1	5856 Riverside Drive - single family residence	1.08	1	0.93
Minimum Lot Size: 2 acres Minimum Heated Floor Area: 2,000 square feet					
West	R-1	5820 Riverside Drive - single family residence	2.01	1	0.50
Minimum Lot Size: 2 acres Minimum Heated Floor Area: 2,000 square feet					
West	R-2 conditional, Z03-0176	5790 Riverside Drive - single family residences	2.00	2	1.00
Minimum Lot Size: 1 acre Minimum Heated Floor Area: 3,000 square feet					

5855 Riverside Drive

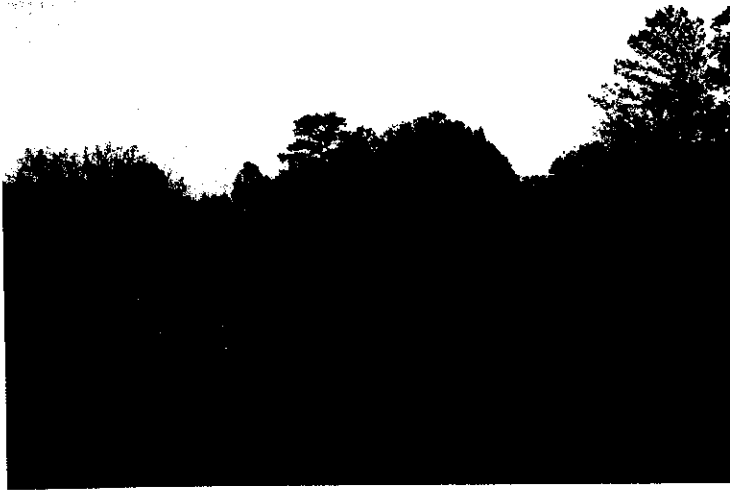


Future Land Use Map

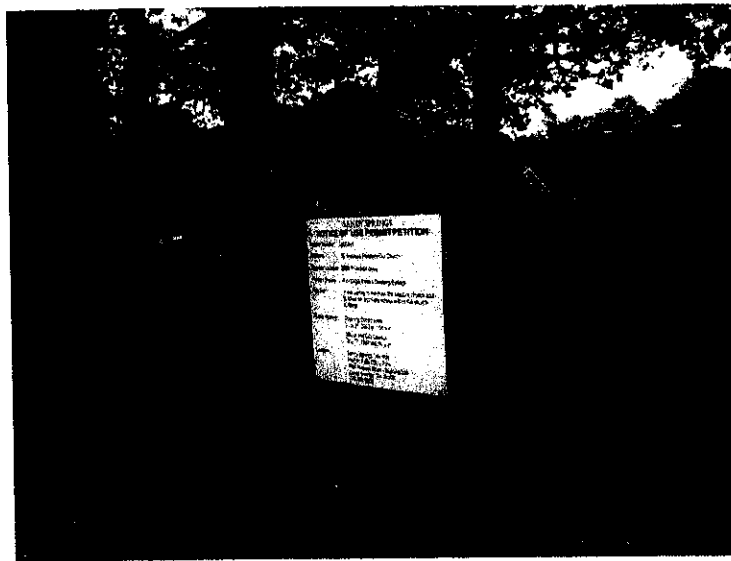
5855 Riverside Drive



Prepared by the City of Sandy Springs Department of Community Development for the Mayor and City Council Hearing on July 17, 2007



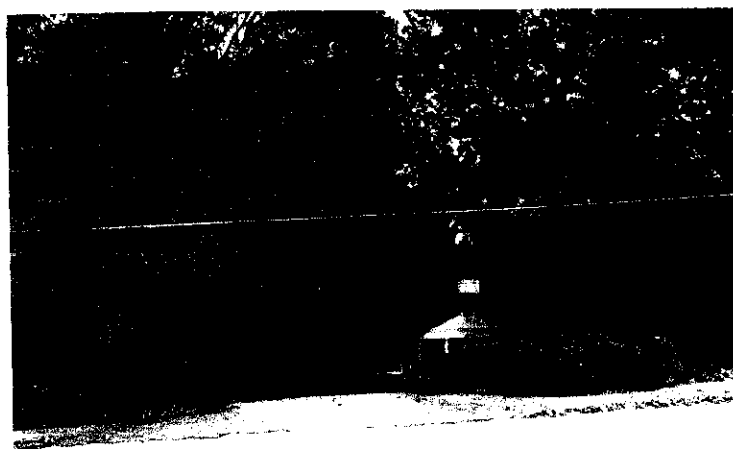
Photograph 1. 5855 Riverside Drive (subject property).



Photograph 2. Notice of Use Permit Petition Sign.



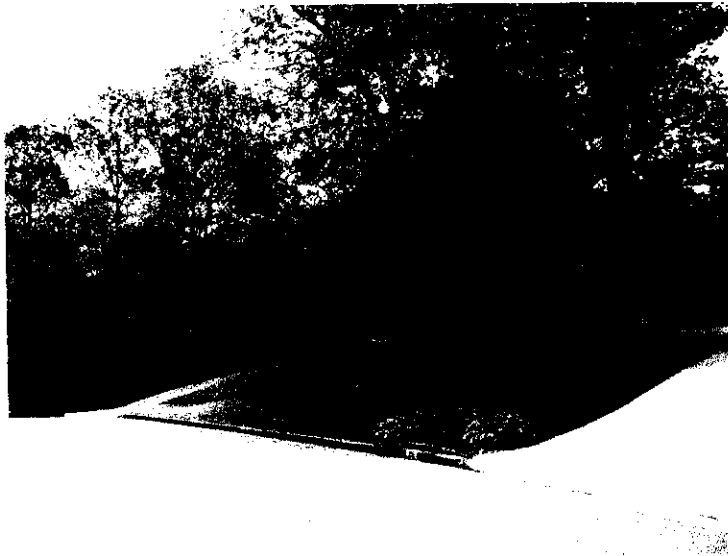
Photograph 3. 5856 Riverside Drive (northwest of subject property).



Photograph 4. 5820 Riverside Drive (west of subject property).




Photograph 5. 5790 Riverside Drive (southwest of subject property).



Photograph 6. 105 Foxridge Road (south of subject property).



To: John McDonough, City Manager

From: Nancy J. Leathers, AICP, Director of Community Development 

Date: August 12, 2009 For Submission onto the onto the August 18, 2009 City Council meeting

Agenda Item: **SCRIVENER'S ERROR U09-001/U09-002/U09-007 5855 Riverside Drive, St. Andrew's Presbyterian Church and Tabula Rasa Language Academy**

CMO (City Manager's Office) Recommendation:

APPROVAL of a revision to the conditions of U09-001/U09-002/U09-007 5855 Riverside Drive, approved by the City of Sandy Springs Mayor and City Council.

Background:

The Mayor and City Council approved the use permit petitions to add a 2,000 square foot addition to the existing church, to expand enrollment in the existing private school, and to establish a day care facility on the site at the July 21, 2009 hearing, subject to conditions.

Discussion:

Condition 1.g. addressed comments from the Fulton County Department of Health and Wellness relating to the capacity of the septic system located on the subject property. Based on the existing septic system, the Department of Health and Wellness provided a limitation on the number of staff and students that could be present on the site at any given time.

Staff's condition, as presented, limited the school enrollment on the property in the aggregate, not allowing for the maximum number of students on any day of the week. This would limit the school to a maximum enrollment of 118 students, while the Department of Health and Wellness's intent was to allow for a maximum of 118 students on site at any one time. As such, the school could have more than 118 students enrolled, but only 118 would be permitted on site at one time. Therefore staff is recommending that condition 1.g. be revised and clarified as follows:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - g. No more than a total of 17 staff and 118 children shall be enrolled during weekdays and/or Saturdays until such time review and approval for more occupancy has been obtained from Fulton County Health & Wellness, then a total enrollment of up to the quantity specified in conditions 1.b, 1.c, and 1.d. may be utilized.

Concurrent Review:

Wendell K. Willard, City Attorney

CITY OF SANDY SPRINGS, GA

CITY COUNCIL

Eva Galambos, Mayor

Doug MacGinnitie – District 1
Dianne Fries – District 2
Rusty Paul – District 3
Ashley Jenkins – District 4
Tibby DeJulio – District 5
Karen Meinzen McEnerny – District 6

Tuesday, August 18, 2009

Action Minutes

6:00 PM

A) INVOCATION – Rev. Will Zant, North Springs United Methodist Church

B) CALL TO ORDER

C) ROLL CALL AND GENERAL ANNOUNCEMENTS

Mayor: Mayor Eva Galambos

Councilmember's Present: Councilmember Doug MacGinnitie, Councilmember Dianne Fries, Councilmember Rusty Paul, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnerny.

D) PLEDGE OF ALLEGIANCE

(Agenda Item No. 09-186)

E) APPROVAL OF MEETING AGENDA *(add or remove items from agenda)*

Motion and Vote: Councilmember Paul moved to approve the meeting agenda. Councilmember Jenkins seconded the motion. The motion carried unanimously.

F) CONSENT AGENDA

(Agenda Item No. 09-187)

1. Meeting Minutes:
 - a. April 7, 2009 Work Session
 - b. May 5, 2009 Regular Meeting
 - c. May 5, 2009 Work Session
 - d. May 5, 2009 FY2010 Budget Workshop #1
 - e. May 12, 2009 FY2010 Budget Workshop #2
 - f. May 26, 2009 FY2010 Budget Presentation*(Michael Casey, City Clerk)*

(Agenda Item No. 09-188)

2. Approval for the Mayor to Sign the List of Roadways for Submittal to GDOT
(Thomas Black, Public Works Director)

(Agenda Item No. 09-189)

3. Amendment to Lease Agreement with Georgia Power Company
(Wendell Willard, City Attorney)

(Agenda Item No. 09-190)

4. Scrivener's Error U09-001/U09-002/U09-007 5855 Riverside Drive, St. Andrew's Presbyterian Church and Tabula Rasa Language Academy
(Nancy Leathers, Community Development Director)

Motion and Vote: Councilmember DeJulio moved to approve the consent agenda. Councilmember Fries seconded the motion. The motion carried unanimously.

G) PRESENTATIONS

1. Retirement of K-9 Officer, Amos and Introduction of new K-9 Officer, Seven
2. Proclamation – MDA Firefighter Appreciation Week

H) PUBLIC HEARINGS

Alcoholic Beverage

(Agenda Item No. 09-191)

1. Approval of Alcoholic Beverage License Application for Atlanta Liquor at 215 Northwood Drive, Suite 7, Sandy Springs, GA 30342. Applicant is Frances Briceno for Retail/Package Wine, Malt Beverage and Distilled Spirits
(Presented by Director of Operations, Wayne Wright)

(Invitation for Public Comment)

Motion and Vote: Councilmember Meinzen McEnerny moved to approve Agenda Item No. 09-191, Approval of Alcoholic Beverage License Application for Atlanta Liquor at 215 Northwood Drive, Suite 7, Sandy Springs, GA 30342. Applicant is Frances Briceno for Retail/Package Wine, Malt Beverage and Distilled Spirits. Councilmember DeJulio seconded the motion. The motion carried unanimously.

River Corridor Review

(Agenda Item No. 09-192)

2. River Corridor Review RC09-01SS at 9000 Ridgemont Drive
(Presented by Assistant Director Building and Development, Blake Dettwiler)

(Invitation for Public Comment)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 09-192, River Corridor Review RC09-01SS at 9000 Ridgemont Drive. Councilmember Jenkins seconded the motion. The motion carried unanimously.

Rezoning and Modifications

(Agenda Item No. 09-193)

3. **RZ09-001/CV09-003**, 5395 Roswell Road (SR9), Applicant: Church of Scientology, To allow for a church in the existing building, with concurrent variances
(Presented by Assistant Director Planning and Zoning, Patrice Ruffin)

(Invitation for Public Comment)

G) PRESENTATIONS

1. P.C.I.D. Project Progress Update - Yvonne Williams
2. Save Award - Newborn Delivery - Sandy Springs Fire Department
3. Save Award - Cardiac Arrest - Sandy Springs Fire Department

H) PUBLIC HEARINGS**Alcoholic Beverage****(Agenda Item No. 09-169)**

1. Approval of Alcoholic Beverage License Application for Fuego Mundo at 5970 Roswell Rd Ste 120 Sandy Springs, GA 30328. Applicant is Marsha Hleap for Consumption on Premise Wine and Malt Beverage.
(Presented by Accounting Manager, Tarsha Patterson)

(Invitation for Public Comment)

Motion and Vote: Councilmember Meinzen McEnerny moved to approve Agenda Item No. 09-169, an Alcoholic Beverage License Application for Fuego Mundo at 5970 Roswell Rd, Ste 120, Sandy Springs, GA 30328. Applicant is Marsha Hleap for Consumption on Premise Wine and Malt Beverage. Councilmember Fries seconded the motion. The motion carried unanimously.

(Agenda Item No. 09-170)

2. Approval of Alcoholic Beverage License Application for GA OIL #177 8763 Roswell Rd Sandy Springs, GA 30350. Applicant is Kiley Cox for Retail Package Wine and Malt Beverage.
(Presented by Accounting Manager, Tarsha Patterson)

(Invitation for Public Comment)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 09-170, an Alcoholic Beverage License Application for GA OIL #177 8763 Roswell Rd, Sandy Springs, GA 30350. Applicant is Kiley Cox for Retail Package Wine and Malt Beverage. Councilmember DeJulio seconded the motion. The motion carried unanimously.

Use Permits - Deferred**(Agenda Item No. 09-171)**

3. U09-001/U09-002/U09-007 - 5855 Riverside Drive, *Applicant: St. Andrew's Presbyterian Church* - A use permit to allow for a day care, a use permit to expand the existing school, and a use permit to expand the existing church.

Ordinance No. 2009-07-35

(Presented by Director of Community Development, Nancy Leathers)

(Invitation for Public Comment)

Motion and Second: Councilmember Meinzen McEnerny moved to approve Agenda Item No. 09-171, U09-001/U09-002/U09-007 - 5855 Riverside Drive, *Applicant: St. Andrew's Presbyterian Church* - A use permit to allow for a day care, a use permit to expand the existing school, and a use permit to expand the existing church subject to staff's recommendations and with the exception of the daycare component on Saturday. Councilmember Jenkins seconded the motion.

Substitute Motion: Councilmember Fries moved to approve Agenda Item No. 09-171, U09-001/U09-002/U09-007 - 5855 Riverside Drive, *Applicant: St. Andrew's Presbyterian Church* - A use permit to allow for a day care, a use permit to expand the existing school, and a use permit to expand the existing church and subject to the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. A church at a maximum density of 2,614.19 square feet per acre or a total of 26,351 square feet, whichever is less (U09-001). The subject Private School (U09-002) and Day Care Facility (U09-007) may occupy the aforementioned space.
 - b. A Private Elementary School (grades K through 3) with a total enrollment of no more than 70 students limited to operating Monday through Friday between the hours of 8:00 a.m. to 3:00 p.m.
 - c. A Day Care Facility with a total enrollment of no more than 150 children limited to operating Monday through Friday between the hours of 8:00 a.m. to 6:00 p.m.
 - d. A Day Care Facility with a total enrollment of no more than 50 children limited to operating Saturdays between the hours of 9:00 a.m. to 3:00 p.m.
 - e. The Private School and Day Care(s) shall provide copies of all state licenses and exemptions to the Director of Community Development by July 1st of each calendar year.
 - f. By August 21, 2009 and July 1st of each calendar year thereafter, the Private School and Day Care(s) shall provide an annual report detailing total enrollment by the uses (exemptions and/or licenses) detailed in conditions 1.b, 1.c, and 1.d, subject to the approval of the Director of Community Development.
 - g. No more than a total of 17 staff and 118 children shall be enrolled during weekdays and Saturdays until such time review and approval for more occupancy has been obtained from Fulton County Health & Wellness, then a total enrollment of up to the quantity specified in conditions 1.b, 1.c, and 1.d. may be utilized.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated April 8, 2009. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
 - b. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Riverside Drive along the entire property frontage or ten and

one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.

- c. The light source of all external lighting in the development shall be screened and shall not be directly visible from adjoining residential properties.
- d. To bring the existing structure into compliance with building codes pursuant to Chapter 105, Buildings and Building Regulations, the Code of the City of Sandy Springs.
- e. To bring the existing structure into compliance with fire codes, pursuant to Chapter 22, Fire Prevention and Protection, of the Code of the City of Sandy Springs.
- f. The school shall provide a 24-hour contact person available to address on-site management issues for surrounding property owners. The school shall provide this information in the annual report referenced in condition 1.f. Compliance with this condition shall be in place by July 1st of each calendar year.
- g. The school shall submit a schedule of events to the Sandy Springs Communications Department detailing the date and time of each special event. Said schedule shall be submitted annually, by July 1st of each calendar year, and monthly on the first day of each month.
- h. Use of such recreational fields and play areas shall not be permitted after sunset.
- i. To prohibit any fixed/permanent outdoor loudspeakers, horns, or amplified sound systems. Operation and use of any portable sound system shall be subject to the City of Sandy Springs Noise Ordinance.
- j. Parking lot lighting shall be no taller than 20 feet and shall not be installed within 50 feet of any residentially-zoned property. The light source of all external lighting on the Property shall be screened and shall not be directly visible from adjoining residential properties. Outdoor lighting of all play areas and recreational fields is prohibited.
- k. Delivery hours and days shall be limited to the following: 7:30 AM to 7:30 PM on Monday through Friday; 8:00 AM to 5:00 PM on Saturdays; no deliveries are permitted on Sundays.
- l. No additional instruction and programs shall be permitted for any person beyond the staff recommended conditions for the number of enrollment during weekdays and Saturdays as specified in conditions 1.b, 1.c, and 1.d.
- m. The existing trailers, shown on the site plan received by the Department of Community Development dated February 25, 2009, shall be removed from the subject property no later than December 31, 2013.
- n. The subject Private School Use Permit shall expire on December 31, 2013.

- o. The instruction at the Private School shall be limited as follows: only offer grades K through 1 for the 2009-2010 academic year, only offer grades K through 2 for the 2010-2011 academic year, only offer grades K through 3 for the academic year 2011-2012.

Second and Vote: Councilmember Paul seconded the motion. The motion carried 4-2 with Councilmember DeJulio and Councilmember Meinzen McEnerny voting in opposition.

Rezoning

(Agenda Item No. 09-172)

- 4. RZ09-002/CV09-004 - 5545- 5565 New North Side Drive & parcel 17-0205-LL-070-1, *Applicant: Fog Capital, Inc.* - To rezone the subject property from C-1 and A-O conditional to C-1 for the development of 6,500 square foot veterinary clinic and 5,800 square feet of retail/office space with concurrent variances.

Ordinance No. 2009-07-36

(Presented by Director of Community Development, Nancy Leathers)

(Invitation for Public Comment)

Motion and Second: Councilmember Meinzen McEnerny moved to approve Agenda Item No. 09-172, RZ09-002/CV09-004 - 5545- 5565 New North Side Drive & parcel 17-0205-LL-070-1, *Applicant: Fog Capital, Inc.* - To rezone the subject property from C-1 and A-O conditional to C-1 for the development of 6,500 square foot veterinary clinic and 5,800 square feet of retail/office space with concurrent variances as recommended by the Planning Commission and staff. Councilmember Paul seconded the motion.

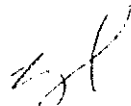
Withdrawal of Motion and Second: Councilmember Meinzen McEnerny withdrew her motion. Councilmember Paul withdrew his second.

Motion: Councilmember Fries moved to approve Agenda Item No. 09-172, RZ09-002/CV09-004 - 5545- 5565 New North Side Drive & parcel 17-0205-LL-070-1, *Applicant: Fog Capital, Inc.* - To rezone the subject property from C-1 and A-O conditional to C-1 for the development of 6,500 square foot veterinary clinic and 5,800 square feet of retail/office space with concurrent variances and add requested conditions by applicant; 3a. - Change to "The owner/developer shall dedicate forty (40) feet of right-of-way from centerline of New Northside Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs. 3.b. Insert as an introductory clause, "At the time of redevelopment of that portion of the property abutting Powers Ferry Road". 3g.: "To provide interparcel access among the three uses on the subject property (proposed retail development, Wachovia Bank property and Chevron property) to and from Powers Ferry Road and New Northside Drive and subject to the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Retail and service commercial, office and including a veterinary clinic (non-outside animal facility), a restaurant, and financial institution, at a maximum density of 4,943 gross square feet per acre or 17,303 gross square feet, whichever is less. Massage Parlors, Adult Establishments/Businesses, Laundry/Dry Cleaning Plants, Garden Shops/Centers, and Tobacco Shops are prohibited.
2. To the owner's agreement to abide by the following:

SANDY SPRINGS

To: John McDonough, City Manager

From: Nancy J. Leathers, AICP, Director of Community Development 

Date: August 12, 2009 For Submission onto the onto the August 18, 2009 City Council meeting

Agenda Item: **SCRIVENER'S ERROR U09-001/U09-002/U09-007 5855 Riverside Drive, St. Andrew's Presbyterian Church and Tabula Rasa Language Academy**

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Concurrent Review:

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